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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 883 OF 2006
IN
SUIT No. 697 OF 2006

Hasanullah H. Khan Plaintiff

Vs.

Asla Khan H. Khan & Ors. Defendants.

Mr. R.O. Singh, advocate for plaintiff.

Mr. Amar Gor, advocate i/b Mr. V. N. Tayade, Advocate for defendant No. 1 to 4.

CORAM : S. A. BOBDE, J.

DATE : FEBRUARY 22, 2007.

P.C.

. This is a notice of motion taken out by the plaintiff interalia for the grant of injunction restraining the defendants from dealing with the suit property and order of appointment of receiver. The suit is filed for partition of the properties, owned by the late Habibullah Kalandar Khan, the father of the plaintiff and the defendants. The only ground on which plaintiff seeks an injunction is that the defendant no.1 who is in possession of the property is misappropriating the earnings from the estate.

However,plaintif has not given any material details of what are the earnings from the property, and what is being misappropriated. The plaintiff has also not stated the nature of earnings from the property. In paragraph 7 of the plaint, the allegation is as follows -

> "The plaintiff states that the defendant no.1 used to take advantage from the said estate and did not pay the earnings from the said estate and misappropriate the same for his own use and gain."

2. In the absence of such details, there is no merit in the prayer for grant of injunction. Ad-interim relief has been denied earlier. Notice of motion is therefore, dismissed.

[S.A. BOBDE, J.]